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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/719,683 09/26/96 RAO

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EXAMINER

34M1/0521

CASAREGOLA PAPER NUMBER

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3403

DATE MAILED: 05/21/97

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☒ Responsive to communication filed on 3/31/97 ☒ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), — days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 2-4, 6-8, 10-12 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. ☐ Claims _____ have been cancelled.

3. ☒ Claims 2-4, 10-12 are allowed.

4. ☒ Claims 6, 8/6 are rejected.

5. ☒ Claims 7, 8/7 are objected to.

6. ☐ Claims _____ are subject to restriction or election requirement.

7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).

12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

EXAMINER'S ACTION

Claim Rejections - 35 USC § 102

Claims 6 and 8/6 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Schiffers.

Schiffers discloses a power plant including a coal drying and gasification system similar to the present invention. Attention is called to Figure 1; note that nitrogen from air separation plant 5 flows via line 28 through heater 30, coal dryer 22, and then along with the coal to gasifier 4.

Arguments

Applicants' arguments have been considered but are not however persuasive in overcoming the rejection.

Applicants' position is that Schiffers' system differs from the present invention in that the drying medium used in the former comprises a mixture of exhaust gas and nitrogen, whereas, that used in the latter "essentially comprises a high pressure inert gas"; see response, page 3, last paragraph. This line of argument however has little merit since the exhaust gas itself is essentially inert. Gas turbines burn hydrocarbon fuel to form exhaust gas primarily comprising CO₂ and water vapor. Both of

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these compounds are inert in that they cannot further react in a combustion process. Adding turbine exhaust gas to Schiffers' inert (nitrogen) drying medium thus results in a mixture that is still essentially an inert gas.

Allowable Subject Matter

Claims 2-4 and 10-12 are allowed, and claims 7 and 8/7 will also be allowed if rewritten in independent form.

Final Rejection

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE

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PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

L. J. Casaregola
703-308-1027
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May 16, 1997



LOUIS J. CASAREGOLA
PRIMARY EXAMINER
ART UNIT 343